

REMARKS

In the July 29, 2004 Office Action, 11-19 stand rejected in view of prior art, while claims 20 and 21 were indicated as containing allowable subject matter. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the July 29, 2004 Office Action, Applicant has amended claim 20 as indicated above. Applicant wishes to thank the Examiner for this indication of allowable subject matter. Thus, claims 11-21 are pending, with claims 11, 12 and 20 being the only independent claims. Reconsideration of the pending claims is respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 103

In paragraph 2 of the Office Action, claims 11-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,730,012 (Juy).

Independent claims 11 and 12 recite that a second link is pivotally coupled to the first ***and*** second mounting flanges. This arrangement is not disclosed or suggested by the Juy patent or any other prior art of record. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does ***not*** make the modification obvious, unless the prior art ***suggests*** the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicant's unique arrangement of a second link pivotally coupled to the first and second mounting flanges.

Juy discloses a link 4 in Figures 3 and 4. However, this link is not coupled to both the first ***and*** second mounting flanges. Rather, the link 4 is pivotally coupled to only one of the

first and second mounting flanges. Therefore, Juy does not disclose or fairly suggest a second link pivotally coupled to the first *and* second mounting flanges.

The combination of Juy with other references does not remedy this deficiency. Extending the link 4 of Juy such that it could somehow be pivotally coupled to the first and second mounting flanges would destroy the teachings of the reference and render the device inoperable. More specifically, if the device of the Juy patent were some how modified to meet the claims of the present invention, it would require a complete reconstruction of the derailleur of the Juy patent, which would destroy the teachings of the reference.

Applicant believes that dependent claims 13-19 are also allowable over the prior art of record in that they depend from independent claim 12, and therefore are allowable for the reasons stated above. Also, dependent claims 13-19 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claims 11 and 12, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicant respectfully requests that this rejection be withdrawn in view of the above comments and amendments.

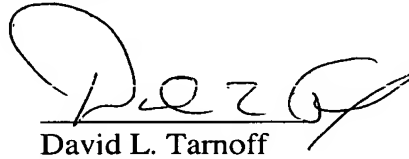
Allowable Subject Matter

In paragraph 3 of the Office Action, claims 20 and 21 were indicated as containing allowable subject matter. Applicant wishes to thank the Examiner for this indication of allowable subject matter. In response, Applicant has amended claim 20 to place it in independent form. Thus, independent claim 20 is believed to be allowable.

Conclusion

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 11-21 are in condition for allowance. Reconsideration of the pending claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. L. Tarnoff', written over a horizontal line.

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